



Control Number: 45879



Item Number: 28

Addendum StartPage: 0

DOCKET NO. 45879

RECEIVED

2017 FEB 14 PM 3:50

JOINT APPLICATION OF THE CITY
OF SANGER AND BOLIVAR WATER
SUPPLY CORPORATION TO AMEND
CERTIFICATES OF CONVENIENCE
AND NECESSITY AND FOR
APPROVAL OF A WATER SERVICE
AGREEMENT IN DENTON COUNTY

§
§
§
§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the joint application of the City of Sanger and Bolivar Water Supply Corporation for approval of a water service agreement to amend the water certificate of convenience and necessity (CCN) of Sanger and to decertify a portion of Bolivar's water CCN in Denton County. Commission Staff recommended approval of the application, as amended. The application, as amended, is approved.

The Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact

Procedural History, Description and Background

1. On April 22, 2016, Sanger and Bolivar filed an application for approval of an agreement under Texas Water Code § 13.248 (TWC) that would decertify certain property from Bolivar's water CCN and add that property to Sanger's water CCN.
2. The application was supplemented by discovery responses on September 29, 2016 and October 14, 2016, which demonstrated that Sanger had addressed issues related to its water quality and capacity that had previously been identified by the Texas Commission on Environmental Quality.
3. Sanger holds water CCN No. 10196 and sewer CCN No. 20073.
4. Bolivar holds water CCN No. 11257.
5. Approval of the application would result in both Sanger and Bolivar's water CCNs being amended.
6. On April 25, 2016, Sanger Holdings, LLC filed a motion to intervene.

28

7. On May 25, 2016, Order No. 2 was issued deeming the application administratively complete, addressing notice, and establishing a procedural schedule.
8. On November 4, 2016, Sanger submitted a signed consent form evidencing agreement with the revised map and certificate, as prepared by Commission Staff.
9. On November 15, 2016, Bolivar submitted a signed consent form evidencing agreement with the revised map and certificate, as prepared by Commission Staff.
10. On November 21, 2016, Commission Staff recommended approval of the application, and provided copies of the revised water service area map and certificates for Bolivar and Sanger.
11. The revised map and certificates discussed in Finding of Fact Nos. 8, 9 and 10 are attached to this Notice.
12. On December 5, 2016, Commission Staff, Sanger, and Bolivar filed a joint motion to admit evidence and joint proposed notice of approval.
13. On February 7, 2017, Order No. 6 was issued, granting the motion to intervene of Sanger Holdings, LLC.
14. On February 14, 2017, Order No. 7 was issued admitting evidence into the record.

Notice

15. On May 13, 2016, notice of the application was published in the *Texas Register*.
16. Notice was provided by publication in the *Denton Record Chronicle* on July 7, 2016, and July 14, 2016.
17. On July 7, 2016, Sanger mailed notice of the application to neighboring systems, customers, and cities.
18. On July 26, 2016, Sanger filed affidavits attesting to mailed and published notice, including copies of individual notices.

Description of the Application

19. Sanger Holdings owns and plans to develop two tracts of land in Denton County; one tract is approximate 63 acres, the other is approximate 24.77 acres.

20. There are currently no water or sewer customers or facilities within Sanger Holdings' property.
21. Sanger Holdings' property is located within the water CCN of Bolivar and in the sewer CCN of Sanger.
22. Approval of this application would amend Sanger's and Bolivar's respective water CCNs so that Sanger Holdings' property will be transferred to Sanger's water CCN No. 10196 and decertified from Bolivar.
23. The amendment will result in Sanger Holdings' property being located in both the water and sewer CCNs of Sanger.

Informal Disposition

24. More than 15 days have passed since completion of the notice in this docket.
25. Commission Staff, Sanger, Bolivar and Sanger Holdings are the only parties to this proceeding.
26. The Commission received no protests or requests for hearing.
27. No issues of fact or law remain disputed by any party; therefore, no hearing is necessary.
28. The requirements for informal dispositions under 16 Texas Administrative Code, § 22.35 (TAC) have been met in this proceeding.

II. Conclusion of Law

1. The Commission has jurisdiction over Sanger's and Bolivar's application under TWC §§ 13.041, 13.241, 13.244, 13.246, 13.248, and 13.254.
2. Sanger and Bolivar are retail public utilities, as defined in TWC § 13.002(59) and 16 TAC § 24.3(41).
3. Public notice of this application was provided, as required by TWC § 13.246 and 16 TAC § 24.106.
4. The application, as amended, meets the requirements in TWC §§ 13.241, 13.244, 13.246, 13.248 and 13.154 and 16 TAC §§ 24.102, 24.105, 24.106, 24.113 and 24.117.

5. Sanger is entitled to approval of the partial decertifications requested in this application, having demonstrated that Bolivar consented, as required by TWC § 13.254(a).
6. Sanger and Bolivar are entitled to approval of the application, as amended, having demonstrated that the amendment to Sanger's water CCN and the decertification from Bolivar's water CCN, as requested in this application, are necessary for the service, accommodation, convenience, or safety of the public, as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
7. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Sanger and Bolivar are required to record a certified copy of the approved CCN and map, along with a boundary description of the service area, in the real property records of each county in which the service area or a portion of the service area is located and submit to the Commission evidence of the recording.
8. The requirements for informal dispositions under 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

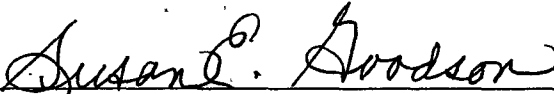
In accordance with these findings of fact and conclusions of law, the Commission issues the following Orders:

1. The application, as amended, is approved.
2. Sanger's water CCN No. 10196 is amended, consistent with this Notice.
3. Sanger shall serve every customer and applicant for service within the areas certificated under its water CCN No. 10196, and such service shall be continuous and adequate.
4. Sanger shall comply with the recording requirements in TWC § 13.257(r) for the area in Denton County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. Bolivar's water CCN No. 11257 is amended, consistent with this Notice.

6. Bolivar shall continue to serve every customer and applicant for service within the areas certificated under its water CCN No. 11257, and such service shall be continuous and adequate
7. Bolivar shall comply with the recording requirements in TWC § 13.257(r) for the area in Denton County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
8. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted in this Notice are denied.

SIGNED AT AUSTIN, TEXAS on the 14th day of February 2017.

PUBLIC UTILITY COMMISSION OF TEXAS

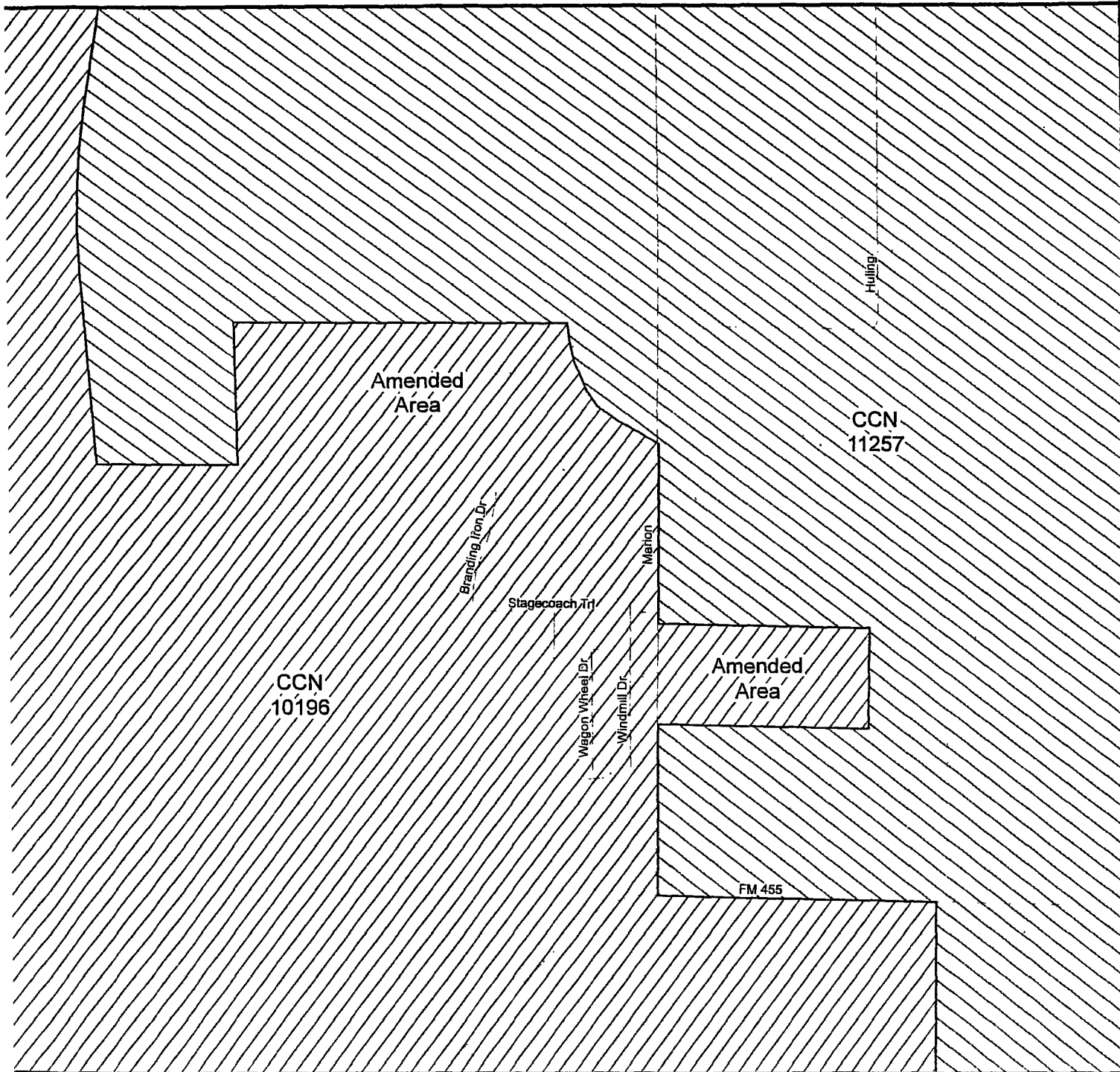


SUSAN E. GOODSON

ADMINISTRATIVE LAW JUDGE

q:\cadm\doCKET management\water\ccn\45xxx\45879 noa.docx

City of Sanger
Portion of Water Service Area
CCN No. 10196
PUC Docket No. 45879
13.248 Agreement Amended CCN No. 10196 and
Decertified a Portion of Bolivar WSC, CCN No. 11257 in Denton County



Water CCN Service Areas



10196 - City of Sanger



11257 - Bolivar WSC



0 500 1,000
Feet



Public Utility Commission of Texas

**By These Presents Be It Known To All That
The City of Sanger**

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this:

Certificate of Convenience and Necessity No. 10196

to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 45879 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the City of Sanger, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this 14th day of February 2017.



Public Utility Commission of Texas

By These Presents Be It Known To All That Bolivar Water Supply Corporation

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this:

Certificate of Convenience and Necessity No. 11257

to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 45879 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the City of Sanger, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this ^{4th} 14 day of February 2017.